

**Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)**

**Appeal No. 96 of 2010 &
IA No. 127 of 2010**

Dated: 12th July, 2010

**Present : Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson
Hon'ble Mr. Rakesh Nath, Technical Member
Hon'ble Mr. Justice P.S. Datta, Judicial Member**

**Tamil Nadu Electricity Board. ... Appellant (s)
Versus**

C.E.R.C &Ors.. ...Respondent (s)

Counsel for the Appellant(s): Mr. R. Nedumaran &
Mr. P. Somasundaram
Counsel for the Respondent(s): Mr. Mr. M.T. George for R.3
Mr. M.G. Ramachandran, Mr. Anand K.
Ganesan, Ms. Swapna & Ms. Sneha for R.2

ORDER

This Appeal is not maintainable for the following reasons:

The Order, which has been passed on 23.12.2009 by the Commission in the Application for Review filed by the Appellant, in our view, is not appealable, as we held in various decisions that the Appeal is not maintainable as against the Order passed in the Review dismissing the same and confirming the earlier Order in view of the bar contained in Order 47 Rule 7 of the C.P.C.

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Further, as against the main Order passed on 09.06.2009, already an Appeal has been filed in 97 of 2010. We are of the view that all

the grounds mentioned in this Appeal can be raised in Appeal No. 97 of 2010 also.

Therefore, we do not find any ground either to condone the delay in filing the Appeal or to admit the Appeal.

Accordingly, the Appeal as well as the Petition to condone delay - I.A. No. 127 of 2010 is dismissed.

(Justice P.S. Datta)
Judicial Member

(Rakesh Nath)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson

ts/ksm